

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: **Michael R. Hall, Sr.,** Debtor. : Case No. 14-54196  
: Chapter 13  
: Judge Preston

**MOTION OF DEBTOR TO RETAIN INSURANCE PROCEEDS**

Now comes Debtor, Michael Hall, Sr., by and through counsel, and respectfully requests the Court allow him to retain the remaining automobile insurance proceeds after payment in full of the underlying secured claim of Kemba Financial Credit Union, to enable him to make repairs to another vehicle already owned by Debtor, as more fully set forth in the supporting Memorandum, below.

Respectfully submitted,

/s/ Crystal I. Zellar

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Crystal I. Zellar (#0038785)  
Adam T. Barclay (#0075869)  
**Zellar & Barclay, Attorneys at Law, Inc.**  
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Zanesville, Ohio 43701  
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mail@ZellarLaw.com  
Counsel for Debtor

## MEMORANDUM IN SUPPORT

This Chapter 13 case was filed on June 10, 2014. The Order Confirming Chapter 13 Plan was entered by the Court on September 11, 2014. The Debtor has paid a total of \$7,590.00 into the plan to date.

On or about September 29, 2014, Debtor was involved in an automobile accident in which the Debtor's 2008 Mitsubishi Eclipse was totaled. After negotiations with the insurance company, the insurance company has agreed to issue payment in the total amount of \$9,000.00 for the totaled vehicle. As Kemba Financial Credit Union holds a lien on the vehicle, payment in the amount of \$7,525.52 shall be forwarded to the office of the Chapter 13 Trustee. Said sum will be transmitted by the Chapter 13 Trustee to Kemba Financial Credit Union, thereby satisfying both the secured and unsecured claims of the creditor.

The Debtor will require a replacement vehicle to transport him to and from his place of employment in order to fund the Chapter 13 Plan. The Debtor is currently unable to afford a loan payment in addition to his Chapter 13 Plan payment. As such, Debtor requests permission to retain the balance of the insurance proceeds in the amount of \$1,474.48 to enable him to begin making repairs to Debtor's 2008 Ford Fusion.

Until the repairs to the Ford Fusion are complete, Debtor will utilize the 2011 Ford Ranger for his transportation needs. As this vehicle is not as fuel efficient as the totaled Mitsubishi Eclipse, and as the Ford Fusion requires substantial repairs to make it safe and operable, Debtor will also be seeking a formal modification of his confirmed Chapter 13 Plan to lower the monthly plan payment to provide him with the necessary funds to complete the vehicle repairs and pay the increased transportation expenses. With the removal of the debt to Kemba Financial Credit Union, the reduction in the monthly plan payment will not result in plan distributions to the creditors in an amount less than they were originally scheduled to receive.

WHEREFORE, your Debtor respectfully requests the Court issue an Order allowing him to retain the balance of automobile insurance proceeds, in the amount of \$1,474.48, in order to enable him to make repairs to his 2008 Ford Fusion.

Respectfully submitted,

/s/ Crystal I. Zellar

Crystal I. Zellar (#0038785)

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**Zellar & Barclay, Attorneys at Law, Inc.**

Counsel for Debtor

### **NOTICE AND CERTIFICATE OF SERVICE**

I hereby certify that on **October 7, 2014**, a copy of the foregoing **Motion to Retain Insurance Proceeds** was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

US Trustee

Chapter 13 Trustee

Steven Lee Smith, Esq.

and on the following by **ordinary U.S. Mail** addressed to:

Michael Hall  
4674 Cristland Hill Rd  
Hebron OH 43025

Amazon / GE Capital Retail Bank  
Bankruptcy Dept  
PO Box 103104  
Roswell GA 30076-9104

American Express Centurion Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

Kemba Financial Credit Union Inc  
PO Box 307370  
Gahanna OH 43230-7370

American Express  
Customer Service  
PO Box 981535  
El Paso TX 79998-1535

Bank of America  
PO Box 982238  
El Paso TX 79998-2238

Altair OH XIII LLC  
c/o Weinstein Pinson & Riley PS  
2001 Western Ave #400  
Seattle WA 98121-3132

American Express Bank FSB  
c/o Becket and Lee LLP  
PO Box 3001

Best Buy Credit Services  
PO Box 790441  
Saint Louis MO 63179-0441

AT&T Universal Card  
Customer Service  
PO Box 6500  
Sioux Falls SD 57117-6500

Malvern PA 19355-0701

Capital Management Services LP  
698 1/2 S Ogden St  
Buffalo NY 14206-2317

Capital One  
Customer Service  
PO Box 30285  
Salt Lake City UT 84130-0285

US Bank  
PO Box 5229  
Cincinnati OH 45201-5229

Carol Wright  
Shop Now Pay Plan  
PO Box 2852  
Monroe WI 53566-8052

Chase  
Customer Service  
PO Box 15298  
Wilmington DE 19850-5298

Citibank NA  
701 East 60th Street North  
Sioux Falls SD 57104-0493

Client Services Inc  
3451 Harry Truman Blvd  
Saint Charles MO 63301-9816

Discover Bank  
DB Servicing Corporation  
PO Box 3025  
New Albany OH 43054-3025

Discover Financial Services LLC  
PO Box 3025  
New Albany OH 43054-3025

Dr Leonards Shop Now  
c/o Creditors Bankruptcy Service  
PO Box 740933  
Dallas TX 75374-0933

Estate Information Services LLC  
EIS Collections  
PO Box 1730  
Reynoldsburg OH 43068-8730

FIA Card Services NA  
PO Box 982284  
El Paso TX 79998-2284

Fifth Third Bank  
MD# ROPS05  
Bankruptcy Dept  
1850 East Paris SE  
Grand Rapids MI 49546-6253

Fifth Third Bank  
PO Box 9013  
Addison Texas 75001-9013

Fingerhut  
Customer Service  
PO Box 1250  
Saint Cloud MN 56395-1250

Gettington Account Services  
PO Box 1500  
Saint Cloud MN 56395-1500

Gettington(Issued by Webbank)  
6250 Ridgewood Rd  
St Cloud MN 56303-0820

Ginny's  
1112 7th Avenue  
Monroe WI 53566-1364

Ginny's  
c/o Creditors Bankruptcy Service  
P O Box 740933  
Dallas TX 75374-0933

Goodyear Credit Plan  
Customer Service  
PO Box 6403  
Sioux Falls SD 57117-6403

Internal Revenue Service  
PO Box 7346  
Philadelphia PA 19101-7346

Kemba Financial Credit Union  
555 Officenter Pl  
PO Box 307370  
Gahanna OH 43230-7370

Lowes / GE Capital Retail Bank  
Attn Bankruptcy Dept  
PO Box 103104  
Roswell GA 30076-9104

Miles Kimball  
PO Box 2860  
Monroe WI 53566-8060

Nationwide Credit Inc  
PO Box 26314  
Lehigh Valley PA 18002-6314

Northland Group  
PO Box 390905  
Minneapolis MN 55439-0905

Ohio Department of Taxation  
Attn: Bankruptcy Division  
PO Box 530  
Columbus OH 43216-0530

Ohio Department of Taxation  
Bankruptcy Division  
PO Box 530  
Columbus OH 43216-0530

Ohio Department of Taxation  
c/o Attorney General of Ohio  
Collections Enforcement Section  
150 East Gay Street 21st Fl  
Columbus OH 43215-3191

PNC Bank  
PO Box 94982  
Cleveland OHIO 44101-4982

PNC Bank  
Customer Service  
PO Box 3429  
Pittsburgh PA 15230-3429

Portfolio Recovery Associates LLC  
PO Box 41067  
Norfolk VA 23541-1067

Sears Credit Cards  
Customer Service  
PO Box 6282  
Sioux Falls SD 57117-6282

Sears Credit Cards  
Customer Service  
PO Box 6283  
Sioux Falls SD 57117-6283

Seventh Avenue  
Correspondence  
1112 7th Ave  
Monroe WI 53566-1364

Seventh Avenue  
c/o Creditors Bankruptcy Service  
PO Box 740933  
Dallas TX 75374-0933

US Attorney General  
Main Justice Building Room 5111  
10th & Constitution Avenue NW  
Washington DC 20530-0001

Wells Fargo  
Correspondence  
PO Box 10335  
Des Moines IA 50306-0335

The Swiss Colony  
1112 7th Avenue  
Monroe WI 53566-1364

US Bank  
PO Box 5229  
Cincinnati OH 45201-5229

Wells Fargo Bank NA  
PO Box 10438  
Des Moines IA 50306-0438

The Swiss Colony  
c/o Creditors Bankruptcy Service  
P O Box 740933  
Dallas TX 75374-0933

Visa Signature  
Bank of America  
PO Box 982235  
El Paso TX 79998-2235

Wells Fargo Financial Ohio 1 Inc  
Attention: Bankruptcy Department  
MAC D33  
3476 Stateview Blvd  
Fort Mill SC 29715-7203

US Attorney  
303 Marconi Blvd #200  
Columbus OH 43215-2326

Webbank-Fingerhut  
6250 Ridgewood Rd  
St Cloud MN 56303-0820

Wells Fargo Home Mortgage  
Correspondence  
PO Box 10335  
Des Moines IA 50306-0335

*as and for NOTICE* that the attached request for relief would be filed. The undersigned will present to the Court a proposed order granting the relief sought, unless, within twenty-one (21) days after this date, a written memorandum in opposition along with a request for hearing is filed with the Court and served on the undersigned.

/s/ Crystal I. Zellar

Crystal I. Zellar (#0038785)

Adam T. Barclay (#0075869)

**Zellar & Barclay, Attorneys at Law, Inc.**

Counsel for Debtor

**UNITED STATES BANKRUPTCY COURT  
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In Re: :  
**Michael R. Hall, Sr.,** : Case No. 14-54196  
: Chapter 13  
Debtor. : Judge Preston

**NOTICE OF FILING OF MOTION TO RETAIN INSURANCE PROCEEDS**

The Debtor has filed papers with the Court to obtain permission to retain insurance proceeds.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to: US Bankruptcy Court, Clerk's Office, 170 North High Street, Columbus, Ohio 43215, OR, your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the date above.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

US Trustee - ustpreion09.cb.ecf@usdoj.gov  
Chapter 13 Trustee - trustee@ch13.org  
Crystal I. Zellar, Esq. and Adam T. Barclay, Esq. - mail@zellarlaw.com;  
Michael Hall, 4674 Cristland Hill Rd, Hebron OH 43025

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief.

Date: October 7, 2014

/s/ Crystal I. Zellar  
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Adam T. Barclay (#0075869)  
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Counsel for Debtor